

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

QUINCY HAMILTON,
ADC # 550111

PLAINTIFF

VS.

NO. 4:06CV00613 WRW-BD

FAULKNER COUNTY DETENTION CENTER, ET AL.

DEFENDANTS

PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

Instructions

The following recommended disposition has been sent to United States District Judge William R. Wilson. Any party may serve and file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. An original and one copy of your objections must be received in the office of the United States District Clerk no later than eleven (11) days from the date of the findings and recommendations. The copy will be furnished to the opposing party. Failure to file timely objections may result in waiver of the right to appeal questions of fact.

If you are objecting to the recommendation and also desire to submit new, different, or additional evidence, and to have a hearing for this purpose before the United States District Judge, you must, at the same time that you file your written objections, include a "Statement of Necessity" that sets forth the following:

1. Why the record made before the Magistrate Judge is inadequate.
2. Why the evidence to be proffered at the requested hearing before the United States District Judge was not offered at the hearing before the Magistrate Judge.

3. An offer of proof setting forth the details of any testimony or other evidence (including copies of any documents) desired to be introduced at the requested hearing before the United States District Judge.

From this submission, the United States District Judge will determine the necessity for an additional evidentiary hearing, either before the Magistrate Judge or before the District Judge.

Mail your objections and "Statement of Necessity" to:

Clerk, United States District Court
Eastern District of Arkansas
600 West Capitol Avenue, Suite 402
Little Rock, AR 72201-3325

Proposed Findings

It has come to the Court's attention that Plaintiff is no longer incarcerated in the Faulkner County Detention Center. The file reflects no communication from Plaintiff since July 18, 2006. (Docket Entry # 7) Communications from the Court to Plaintiff have been returned as undeliverable. (Docket Entries # 8, 9, 12, 15)

Plaintiff has failed to comply with Local Rule 5.5(c)(2) of the Rules of the United States District Court for the Eastern District of Arkansas, which requires any party not represented by counsel promptly to notify the Clerk and the other parties of any change in his or her address; to monitor the progress of the case; and to prosecute or defend the action diligently.

Plaintiff has failed to comply with the Orders (Docket Entries # 2, 5, 10) of this Court and Local Rule 5.5(c)(2), which provides that if any communication from the Court to a pro se plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice.

Recommended Disposition

The Court recommends that this case be dismissed without prejudice for failure to respond to the Court's Orders and for failure to prosecute.

Dated this 24th day of January, 2007.



U. S. MAGISTRATE JUDGE